

every year make some alterations in their laws; but these alterations are not to affect the parts of the state within the Territory of Columbia; for the laws of each state are to continue in force, in their respective parts, as they existed on the first Monday of December 1800. It must be obvious to every person, acquainted with either state, that in less than three years, the execution of these laws would become impracticable in either part. To complete the climax the President of the United States, the most distinguished officer of the nation, is called upon to appoint all the executive and judicial officers of each state within the Territory; and these officers, who are acting under the laws of Virginia and Maryland, and are responsible to the government of each state for the execution of their trust, are to look for their appointments to the federal government. It is probable that neither state would permit its officers to stand in this situation; and it is certain that all prosecution and punishment for improper conduct in such officers would be nugatory, and the protection of the citizens must be confided to the virtue and clemency of the executive.

Arguments need not be multiplied to shew that these arrangements can be but temporary; and that a radical alteration must take place. If a permanent system cannot now be devised, it is futile to make any such law as that reported. The act of cession of each state provides for the continuance of their laws until Congress directs otherwise; and this situation is better than that proposed in the first section of the bill; because an unreasonable partiality for the laws, as they exist on the first Monday of December 1800, is not manifested; & the laws of the state will be uniformly exercised, as long as the inter-regnum continues. The present situation is also preferable to the change contemplated in the second section of the Bill. It is a matter of little importance who appoints the subordinate executive and judicial officers, within the fractions of the two states. If they are in the execution of the laws of the respective states, it is certainly most proper that they should derive their appointments from the same source, with similar officers in the other parts of the state.

The third section of the Bill is but a consequence of the two preceding; and stands or falls with them. The mind is therefore enabled to judge whether any such law is proper to be passed. If it is intended for permanency, it is the most unhappy system that could have been devised; and must in fact defeat its own execution; If it is to be but temporary; is it not plain that the existing situation of affairs is far preferable to either of the changes effected by the Bill?

Having made these observations, which were prompted by the appearance of this Bill in the public prints, it would appear improper not to go further; and to suggest something on a subject, which is so important, and which has been so little considered.

It is indeed much to be lamented, that in the collision and agitation which have attended the Presidential election, there has not been found in the public councils a mind sufficiently calm to elevate itself above the storm; and to devote some attention to the interests of the respectable body of people, comprehended in the Territory of Columbia, and in the City of Washington in particular.

It is due to the magnitude of a subject, which affects the metropolis of so great an empire; it is due to the honor of the illustrious man whose name it bears; it is due to the happiness of the thousands who will constitute its population; that a firm, regular permanent and steady system of government worthy of the councils of an enlightened republican people; who have made the most sublime, and the most successful essays in the science of free government; and whose unexampled prosperity has been not more the result of natural advantages, than of the pre-eminent wisdom of their public deliberations.

Conceiving that such a system is indispensably necessary; that a change of government is always attended with inconveniences; that it is far better to meet those inconveniences originally, and in the first instance, than to protract them; that every day after a system is put into operation, affords opportunities of ameliorating it; that every day of procrastination increases the embarrassment, and that the public judgment is as competent now to discuss this subject as it ever can be, I shall proceed to submit to the public some considerations on it; trusting that it will not be deemed improper, in a private individual, who is deeply interested, to offer his opinion on a subject which has been neglected by public men; and that his sentiments, if they do not meet with appro-

bation, will at least be received with candor.

EPAMINONDAS.

City of Washington,
December 20th, 1800.

CONGRESS
OF THE UNITED STATES.

HOUSE OF REPRESENTATIVES.

MONDAY DEC. 23.

The motion made on Friday by Mr. Davis, to refer to the committee to whom had been referred a memorial of the House of Representatives of the Mississippi Territory on the official conduct of Governor Sargent, the following resolution; (concluding a specification of unconstitutional laws enacted by the governor in conjunction with the judges, and of sundry oppressive acts committed by him) viz. "Resolved that the laws passed by the Governor and Judges of the Mississippi Territory, and the petition of Gato West and others, heretofore presented to the house, together with all the documents relative thereto, be transmitted to the President of the United States," was taken up and on the question of reference.

MR. GRISWOLD said the whole subject, of which the resolutions now offered formed a part, was already referred to a committee. The charges laid in the resolutions were serious. To refer them would be to give an indirect sanction to their truth, and he thought any such sanction highly improper until they are proved. The committee already appointed had full power to investigate all the facts that existed. The result of their investigation would be reported, & it would then be time enough to express an opinion on the propositions now offered. These same resolutions had been offered to the house the last session, and had then been rejected. Mr. Griswold hoped the same course would now be pursued.

MR. DAVIS said he had always thought that a committee, to ascertain facts, and to shape business for that house, proceeded from a knowledge, that a committee consisting of a few members could with more facility, gain a knowledge of those facts than the house in its collective capacity could do. He could, therefore, see no good cause for withholding the resolutions from the select committee, who were appointed to consider the remonstrance from the Legislature of the Mississippi Territory. His resolutions contained facts, and he was ready to support them, from the documents before him. It would be criminal in the house to withhold from the committee any facts it was in their power to furnish. If this resolution contains mistatements, let the gentleman from Connecticut show them, and he would readily join in expunging them, so as only to let pure facts go to the committee. He wished no imposition; he wanted only a fair examination into the conduct of Winthrop Sargent, governor of the Mississippi Territory, whose administration had been marked with so much restlessness and discontent; and he believed justly. At the last session of Congress some alleviation was intended to be offered to the distresses of this oppressed people; but their governor had defeated the object by omitting to give notice of the election, as he ought to have done.

He was enjoined by the laws of last session, to give notice of the election, and to appoint a judge or judges to attend it; he had omitted to do so, and had refused to issue a writ of election (doubting for the first time his power). This conduct had drawn from their legislature a remonstrance which required the further interposition of congress, to enable them to organize their body. This remonstrance makes a general allusion to the unconstitutional laws made by the governor and judges; the resolution particularises those laws, and will bring them in a precise manner before the committee. If gentlemen doubted the accuracy of the resolution, he would convince those, who were not opposed to conviction, that it was correct. [Here Mr. Davis read several of the laws made by the Governor and Judges of the Mississippi Territory, and some clauses of the Federal Constitution to prove that the laws were unconstitutional.] Here then are abundant proofs of unconstitutional and oppressive laws, under which the people of that territory labor, and of which they complain; and will this house afford no relief from a tyrant, who has trampled on their rights with a tiger's stride, and plucked

from them by voracious and insatiable laws, their hard earnings?

The Governor of that Territory receives annually a salary of 2000 Dollars for his services, and each of the Judges a salary of 800 dollars pr. Annum. This was supported by the law a competent compensation; their acceptance of those offices for that sum acknowledges it to be enough; still you find laws here that give the Governor a fee of Eight Dollars on tavern Licences, &c. As well might the President of the U. States claim fees for giving Patents or any other writing to which he affixes his name. The Judges of this Territory, who conjointly with the Governor made the Laws, have taken care of themselves—Hear their table of fees, giving to themselves fees for certain services rendered by them in their Judicial capacity. And is not this a shameful abuse of the Legislative power they are vested with. [Here Mr. D. read the table of fees] Congress cannot raise their own wages; the Constitution has wisely forbid it, yet Winthrop Sargent and the Judges give themselves what fees they please, without regarding the Spirit of the Constitution. If this resolution accompanies the remonstrance of the Legislature of the Mississippi Territory, the committee will be able to judge whether the Governor withheld the writ of Election from a fear of exceeding his power; or whether he did it to prevent the organization of the Legislature; for had the Legislature been formed, those very Laws by which he and the Judges satiate their avarice, would have been repealed.

The gentleman from Connecticut says, that the resolution contains direct charges against a man high in office, and this house ought not to sanction them until they are proved. I trust I have proved them by a reference to the laws now before me, and if they are not proved, let the gentleman take the laws and shew wherein I am incorrect; and so much as is found defective, let him expunge. The gentleman says, that despotism is charged against the governor. Why, said Mr. D. what stronger proof of tyranny or despotism can you ask, than to see a man set no bounds to his conduct, and who breaks through the limits set for him by the supreme laws of the Land.

It is true this resolution was offered by me at the last session, but it was not rejected as the gentleman supposes, it was not acted upon; but if the gentleman from Connecticut, and other gentlemen on this floor, after seeing that Winthrop Sargent has openly violated the constitution of the United States, consider him a fit object to rally round; if after they see he has violated the ordinance designed for the government of that territory, they consider him a fit object for them to cling to; if after seeing the shameful abuse of legislative power vested in his hands; and his disgraceful avarice; if after seeing and hearing all this, they consider that he has acted consistently with federal principles, and is entitled to federal support, they will unite, and stifle this resolution here, and never let the committee see it—it may be that this resolution will be lost to day—perhaps it would be to-morrow; but the time is approaching, when the conduct of a public officer will not be veiled in this manner—The sun of federalism is nearly set—not three months, and it sets forever.

If this resolution contained any thing new or strange there would be some excuse for the objections made to a reference; but its having been presented during the last session must have imprinted the facts charged in it on the minds of every member present—besides this, those complaints have been made from the first hour Winthrop Sargent came into office, and have been heard from one extremity of the continent to the other. It is a fact well known, that at the time this man was appointed governor of the Mississippi Territory, he was hated and despised by the people of the Western country. His pride, his insolence, and tyrannical disposition, had rendered his name odious to the Western country. In this the gentleman who represents the N. W. Territory, and who was nearer the theatre of his actions than I was, can bear me witness—Still he was appointed. We felt indignant at the promotion of such a character by our government; but we have guardedly repressed our resentment.

The object, however, for which this man was set over us, has not been accomplished. His mission has failed. Though we felt the just indignation of freemen, we had more wit in our resentment than to commit any extravagant acts that would authorize "The Chief who now commands," to lend "a Heaven born band" among us—We were apprised of the disposition; we were apprised that an excuse was all that

was wanted. But the reign of terror is almost at an end. If you want to conciliate the affections of the Western people, and to bring them over to your administration, refer this resolution—if you do this, they will suppose that the complaints of their fellow-citizens are heard and attended to, and that there is a hope of speedy redress; but if you reject it the reverse will be the effect.

You have no idea, said Mr. Davis, of the mischief this man has done in the Western Country; particularly in the Mississippi Territory. His conduct has reared a powerful opposition to your administration, which will grow with our growth and increase with our strength, unless you remedy the evils that oppress our suffering fellow citizens. His conduct has alienated the affections of the Western people, from your Government; and this effect it will have while our fellow citizens are suffered to complain unheard, and the conduct of their oppressor is justified. Ask a well informed man from this Territory, or from almost any part of the Western Country, why are you opposed to the administration of the Government?—He will tell you in a moment,—I know, that Winthrop Sargent, Governor of the Mississippi Territory, has openly violated the Constitution of the United States in sundry instances. I know he has outrageously violated the ordinance of that Territory. I think he has shamefully exercised the Legislative Power put in his hands, by making it a cloak under which he has exacted the most exorbitant fees from the people to gratify his avarice.—I know he has never received even a rebuke from the Chief Magistrate for all this.—I consider Winthrop Sargent but a small vein of a great body; I am acquainted with the pulsations of that vein; I know it beats towards aristocracy; I know it swells with tyranny and despotism; I consider the great body that feeds this small vein as also contaminated.—This will be the answer you will receive; and this will eternally be the language you will hear from those people, until you release them from the tyrannical bondage under which they are laid by the oppressions of their federal government.

MR. OTIS was averse the last session, when this subject was before the house, to commit himself by a vote without possessing an accurate knowledge of the circumstances attending it. The same want of information under which he then laboured he still felt. Casting his eyes over the resolutions just read he discovered that they contained two serious declarations; the first that laws hostile to the happiness and prosperity of the citizens of the Mississippi territory, and at variance with the Constitution, had been enacted; the second, that these laws had been passed under malignant intentions.

On the truth of these declarations Mr. Otis was not prepared to decide. He required that information, which the committee already appointed would be most likely to furnish. If the gentleman from Kentucky had moved the appointment of a committee, either to enquire into the expediency of repealing those laws that were complained of, or to report facts whereon an impeachment could be grounded, he would have pursued the usual course; but when he commits a speech to writing (for by no other name could he designate the string of resolutions which he had moved) criminal in terms of harshness the conduct of a public officer, he considered him as proposing an unprecedented step. As well might he move to refer what had fallen from him in debate this day.

In his opinion Mr. Otis said, the subject, desired by the gentleman from Kentucky could be accomplished with much greater propriety in the usual way, than in that now proposed.

But the gentleman asks, if the charges are true that are contained in the resolutions, why not pass them; if false why not expunge them? How said Mr. Otis are these charges proved? He confided in the veracity of the gentleman; and was persuaded that he would not say what he did not himself believe; but his belief could not impart to other gentlemen the same strength of conviction with himself.

If the people of this territory are really oppressed, if they groan under the pressure of tyrannical and unconstitutional laws, let those laws be examined, and repealed. But when he found a gentleman coming from the neighbourhood of the territory, actuated by personal and local considerations, and animated by a zeal that dictated sentiments, which in cooler moments the gentleman himself would not approve, he could not avoid hesitating in taking his opinions as the guide of his vote.

This, sir, said Mr. Otis, is not a question of federalism or anti-federalism. If the sun of federalism, as the gentleman from Kentucky asserts, be set; if the ad-